

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

CASE TYPE: CONTRACT

Court File No.:

MaryAnn Grogan,

Plaintiff,

vs.

SUMMONS

State Farm Mutual Automobile
Insurance Company,

Defendant.

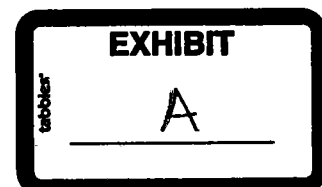
THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANTS:

1. **YOU ARE BEING SUED.** The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. **YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at: Galowitz • Olson PLLC, 10390 39th Street North, Lake Elmo, MN 55042.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 20



days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

GALOWITZ • OLSON PLLC

Dated: 8/23/18

By: 

Viet-Hanh Winchell, #0389220
Attorney for Plaintiff
10390 39th Street North
Lake Elmo, MN 55042
(651) 777-6960

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

CASE TYPE: CONTRACT

Court File No.:

MaryAnn Grogan,

Plaintiff,

vs.

COMPLAINT

State Farm Mutual Automobile
Insurance Company,

Defendant.

Plaintiff, MaryAnn Grogan (hereinafter referred to as "Plaintiff" or "Plaintiff Grogan"), for her cause of action against Defendant State Farm Mutual Automobile Insurance Company (hereinafter referred to as "Defendant" or "Defendant State Farm") herein complains and alleges as follows:

I.

That Plaintiff was at all times relevant hereto, a resident of the County of Washington, State of Minnesota.

II.

That Defendant State Farm was at the time of loss and is at all times hereinafter stated, licensed and qualified to do and engage in automobile insurance business in the State of Minnesota.

III.

That on or about April 22, 2017 and at all times herein material, Plaintiff, was a passenger

on a motorcycle owned by Plaintiff and Stephen Grogan and operated by Stephen Grogan, who are both named insureds under a certain policy of automobile insurance issued by Defendant State Farm, a true and correct copy of the declarations page of said policy is attached as Exhibit A.

IV.

Said policy provided uninsured motor vehicle coverage, among other coverages on a 2012 Harley Davidson Touring, for which coverages Plaintiff paid stated premiums to Defendant State Farm.

V.

That on or about April 22, 2017, at approximately 3:31 p.m., Plaintiff suffered severe and permanent injuries while riding as a passenger in the above-mentioned motorcycle when this vehicle was involved in a violent collision with an uninsured 1977 Harley Davidson owned and operated by Mark Thomas Harvey in a negligent manner on Saint Croix Trail in the City of Scandia, County of Washington, State of Minnesota.

VI.

That on said date, time and location, Mark Thomas Harvey unlawfully drove the 1977 Harley Davidson and caused his uninsured vehicle to strike the motorcycle on which Plaintiff was a passenger, causing Plaintiff to be ejected from the motorcycle.

VII.

That as a direct and proximate result of the collision of April 22, 2017, Plaintiff sustained severe and permanent injuries; has in the past and will in the future incur medical expenses for treatment of her injuries; has in the past and will in the future incur a loss of earnings and earning capacity; has in the past and will in the future suffer physical and mental pain, satisfying the

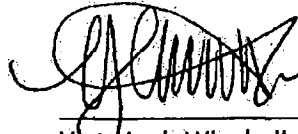
thresholds set forth in Minn. Stat. § 65B.51, subd.3, and will otherwise be entitled to uninsured motor vehicle coverage under the aforementioned policy of insurance issued by Defendant.

VIII.

To date, Defendant State Farm has failed and refused to pay its uninsured motorist coverage limits of Two Hundred Fifty Thousand (\$250,000.00) Dollars despite Plaintiff's proper demand for same.

WHEREFORE, Plaintiff prays for judgment against Defendant in a sum in excess of fifty thousand (\$50,000.00) dollars together with pre-judgment interest, judgment interest, costs and disbursements herein, along with such other and further relief as the court deems just and equitable.

GALOWITZ • OLSON PLLC

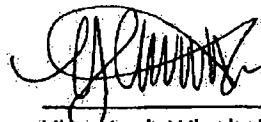


Dated: 8/23/18

Viet Hanh Winchell, #389220
Attorneys for Plaintiff
10390 39th Street North
Lake Elmo, MN 55042
651-777-6960
Viet-Hanh@galowitzzolson.com

ACKNOWLEDGEMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.211, to the party against whom the allegations in this pleading are asserted.



Viet Hanh Winchell



GALOWITZ • OLSON PLLC
ATTORNEYS AT LAW
OLSON MEDIATION CENTER

Tracey A. Galowitz
Susan D. Olson
John Scott McDonald
Susannah Torseth
Viet-Hanh Winchell
Andrea McAlpine

Raymond O. Marshall
Of Counsel

August 23, 2018

State Farm Mutual Automobile Insurance Company
One State Farm Plaza
Bloomington, Illinois 61710

Rec'd in Law Dept.

AUG 27 2018

Litigation Section B-3

CERTIFIED MAIL

Re: **MaryAnn Grogan vs. State Farm Mutual Automobile Insurance Company**
Our File No.: 1256.3

Dear Sir or Madam:

Enclosed please find copies of the following pleadings sent via certified mail and served upon the Minnesota Department of Commerce State Insurance Commissioner's Office:

- Summons and Complaint

Pursuant to the Minnesota Rules of Civil Procedure, response to these pleadings is due within 20 days unless an extension is granted in writing. Please do not hesitate to contact our office if you have any questions.

Sincerely,

Ms. Viet-Hanh Winchell
Attorney at Law
Viet-Hanh@galowitzolson.com

Enclosure



GALOWITZ • OLSON PLLC
ATTORNEYS AT LAW
OLSON MEDIATION CENTER

Tracey A. Galowitz
Susan D. Olson
John Scott McDonald
Susannah Torseth
Viet-Hanh Winchell
Andrea McAlpine

Raymond O. Marshall
Of Counsel

August 23, 2018

Minnesota Department of Commerce
State Insurance Commissioner's Office
Consumer Protection and Education Division
85 7th Place East, Suite 280
Saint Paul, MN 55101

Re: **MaryAnn Grogan vs. State Farm Mutual Automobile Insurance Company**
Our File No.: 1256.3

Dear Sir or Madam:

Enclosed please find copies of the following contract pleadings:

- Summons and Complaint

Pursuant to the Minnesota Rules of Civil Procedure, response to these pleadings is due within 20 days unless an extension is granted in writing. Please do not hesitate to contact our office if you have any questions.

Sincerely,

Ms. Viet-Hanh Winchell
Attorney at Law
Viet-Hanh@galowitzolson.com

Enclosure

cc: State Farm Mutual Automobile Insurance Company